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The following constitutes the order of the Court.
Signed: March 17, 2023

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Charles Novack
U.S. Bankruptcy Judge

Proposed Attorneys for
The Roman Catholic Bishop of Santa Rosa

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re:

THE ROMAN CATHOLIC BISHOP OF
SANTA ROSA,

Debtor In Possession.

CASE NO. 23-10113

Chapter 11

Date: March 16, 2023
Time: 1:00 p.m.
Location: 1300 Clay Street, Ctrm. 215
Oakland, CA
[In person or via Zoom]
Judge: Hon. Charles Novack

**INTERIM ORDER GRANTING DEBTOR'S MOTION FOR ORDER
(1) PROHIBITING UTILITY COMPANIES FROM ALTERING, REFUSING
OR DISCONTINUING SERVICE, (2) DETERMINING ADEQUATE ASSURANCE
OF PAYMENT FOR POSTPETITION UTILITY SERVICES UNDER 11 U.S.C.
§ 366, AND (3) ESTABLISHING PROCEDURES FOR DETERMINING
ADEQUATE ASSURANCE OF PAYMENT (4) SCHEDULING A FINAL HEARING**

The motion of The Roman Catholic Bishop of Santa Rosa ("RCBSR" or "Debtor in Possession"), for an Order (1) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Service; (2) Determining that the Debtor in Possession's Furnishing of Deposits to Utility Companies listed on Exhibit 1 (attached to the Motion) in an amount that represents fifty percent of the debtor's estimated average monthly usage over the past twelve months of such utility respectively constitutes adequate assurance of payment; (3) Establishing Procedures for Assurance

1 Requests by the Affected Utilities and for Determining Adequate Assurance of Payment; and (4)
2 Scheduling a final hearing (the “Motion”) came on for hearing on an interim basis on March 16,
3 2023, at 1:00 p.m., in Courtroom 215 of the United States Bankruptcy Court for the Northern
4 District of California. The Debtor in Possession appeared through its counsel, Paul J. Pascuzzi.
5 Other appearances were noted on the record. All capitalized terms used but not defined in this
6 Order shall have the meanings given to them in the Motion.

7 The Court having considered the Motion, the Declaration of Joe Oberting regarding
8 description of Debtor in Possession and Pre-Filing History filed on the Petition Date, the
9 Declaration of Joe Oberting filed in support of this Motion, and the matters reflected in the record
10 of the hearing, and the Court having found that it has jurisdiction over this proceeding; that this is
11 a core proceeding; that notice of the Motion has been given to the Office of the United States
12 Trustee, the twenty largest unsecured creditors, all secured creditors, and any applicable
13 governmental entities; that no further notice is necessary; that the relief sought in the Motion is in
14 the best interests of the Debtor in Possession, its estate, and its creditors; and that good and sufficient
15 cause exists for such relief,

16 Accordingly, it is hereby ORDERED as follows:

17 1. The Motion (Docket No. 7) is GRANTED on an interim basis as provided herein.

18 2. Within five (5) business days of the Court’s entry of this Order, the Debtor in
19 Possession shall serve each Utility Company listed on Exhibit 1 to this Order with a copy of this
20 Order via first class mail, and the Debtor in Possession shall serve all persons requesting special
21 notice herein, counsel for any statutory committee(s), if one has been appointed or, if not, on the
22 20 largest unsecured creditors for the Debtor in Possession as identified in the Debtor in
23 Possession’s petition, on the Office of the United States Trustee for the Northern District of
24 California, and counsel for the secured creditors, pursuant to Federal Rules of Bankruptcy
25 Procedure Rule 4001(b).

26 3. The Debtor in Possession is authorized, but not required, to timely remit payments
27 for undisputed invoices for postpetition services by the Utility Companies in accordance with the
28 Debtor in Possession’s prepetition practices.

1 4. Within ten (10) court days of the receipt by the Debtor in Possession or its
2 bankruptcy counsel of a written request from a Utility Company for adequate assurance under the
3 Bankruptcy Code, the Debtor in Possession will provide each Utility Company a cash deposit (the
4 “Deposit”) in an amount equal to fifty percent of the Debtor in Possession’s estimated monthly cost
5 of its utility consumption from each Utility Company. If a Utility Company provides the Debtor
6 in Possession with services under multiple accounts, then the Debtor in Possession may provide
7 that Utility Company with one deposit that equals fifty percent of the aggregate estimated monthly
8 usage under all of the Debtor in Possession’s accounts with that Utility Company.

9 5. Except in accordance with the procedures set forth herein, and absent further order
10 of the Court, each Utility Company is prohibited from (a) altering, refusing, or discontinuing utility
11 services solely on the basis of the commencement of Debtor in Possession’s case under the
12 Bankruptcy Code or on account of any unpaid prepetition invoice for utility services, and
13 (b) requiring the payment of any additional deposit or other security to the Utility Companies for
14 the continued provision of utility services.

15 6. If a Utility Company is not satisfied with the assurance of future payment provided
16 by the Debtor in Possession, the Utility Company must serve upon counsel for the Debtor in
17 Possession a written request for adequate assurance (“Assurance Request”), setting forth (i) the
18 location and account number(s) for which utility services are provided; (ii) the outstanding balance
19 on the account and a summary of the Debtor in Possession’s payment history; (iii) the reasons why
20 the Deposit does not constitute satisfactory adequate assurance of payment; and (iv) a proposal of
21 what would constitute satisfactory adequate assurance of payment.

22 7. The Assurance Request must be received by the Debtor in Possession’s counsel,
23 Felderstein Fitzgerald Willoughby Pascuzzi & Rios LLP, 500 Capitol Mall, Suite 2250,
24 Sacramento, California 95814 (Attention: Paul J. Pascuzzi) within forty-five (45) calendar days of
25 the date a Final Order granting the Motion is served upon the Utility Company making the
26 Assurance Request.

27 8. Without further order of the Court, the Debtor in Possession may enter into
28 agreements granting additional adequate assurance to a Utility Company serving an Assurance

1 Request, if the Debtor in Possession, in its discretion, determines that the request is reasonable.

2 9. If the Debtor in Possession determines that an Assurance Request is unreasonable,
3 then the Debtor in Possession shall, within twenty-one (21) days of receipt of such Assurance
4 Request, file a motion ("Determination Motion") pursuant to 11 U.S.C. § 366(c)(3) seeking a
5 determination from the Court that the Deposit, plus any additional consideration offered by Debtor
6 in Possession, constitutes adequate assurance of payment and set the Determination Motion for
7 hearing on shortened time. Pending notice and a hearing on the Determination Motion, the Utility
8 Company that is the subject of the unresolved Assurance Request may not alter, refuse, or
9 discontinue services to the Debtor in Possession or recover or setoff against a prepetition deposit.

10 10. Nothing set forth herein is intended to, nor shall it, modify or alter the burdens of
11 proof in connection with a Determination Motion.

12 11. Based on the establishment of the Deposit, a Utility Company will be deemed to
13 have adequate assurance of payment unless and until a future order of this Court is entered requiring
14 further assurance of payment.

15 12. The deadline by which objections to the Motion must be filed is March 31, 2023,
16 and such objections must be filed with the Clerk of the Bankruptcy Court and served upon counsel
17 to the Debtor in Possession, counsel to the secured creditors, the Office of the United States Trustee
18 for the Northern District of California, and counsel to any statutory committee(s) appointed in this
19 case. A final hearing on the Motion before the undersigned United States Bankruptcy Judge shall
20 be heard on April 5, 2023, at 11:00 a.m. (PT). If no objections are filed to the Motion, the Court
21 may enter the Final Order without further notice or hearing.

22 13. The Debtor in Possession is authorized, in its sole discretion, to amend the list of
23 Utility Companies attached as Exhibit 1 to add or delete any Utility Company. The Debtor in
24 Possession shall serve the amended Exhibit 1 on any affected Utility Company within five (5)
25 business days of such amendment.

26 14. Nothing in the Motion, Exhibit 1 thereto or this Order constitutes a finding that any
27 entity is or is not a utility company hereunder or under section 366 of the Bankruptcy Code.

28 15. Notwithstanding the relief granted herein and any actions taken pursuant hereto,

1 nothing herein shall be deemed: (i) an admission as to the validity of any claim against the Debtor
2 in Possession; (ii) a waiver of the Debtor in Possession's rights to dispute any claim on any grounds;
3 (iii) a promise or requirement to pay any claim; (iv) an implication or admission that any particular
4 claim is of a type specified or defined hereunder; (v) a request or authorization to assume any
5 agreement, contract or lease pursuant to section 365 of title 11 of the Bankruptcy Code; or (vi) a
6 waiver of the Debtor in Possession's rights under the Bankruptcy Code or any other applicable law.

7 16. This Court shall retain jurisdiction over all matters arising from or related to the
8 interpretation or implementation of this Order.

9 17. The Debtor in Possession and its employees and agents are authorized to take or
10 refrain from taking such acts as are necessary and appropriate to implement and effectuate the relief
11 granted herein.

12 APPROVED AS TO FORM.

13 OFFICE OF THE UNITED STATES TRUSTEE

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15 By: /s/ Jason Blumberg
16 Jason Blumberg

17 ***END OF ORDER***
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EXHIBIT 1

Exhibit 1: List of Utility Companies and Accounts

Name and Address of Utility	Type of Service/ Account No.	Property Address Where Utility Provided (if applicable)
AT&T Mobility P.O. Box 6463 Carol Stream, IL 60197-6463	Mobile phones Acct# 8750444301	
AT&T Teleconference Services P.O. Box 5002 Carol Stream, IL 60197-5002	Shared Conferencing Acct# 43884495-00001	
Bay Alarm P.O. BOX 51041 Los Angeles, CA 90051	Office alarm system	985 Airway Ct, Santa Rosa
City of Santa Rosa P.O. Box 1658 Santa Rosa, CA 95402-1658	Water Acct# 008817	Newman Center 1798 E Cotati Ave, Penngrove and 1240 Manhattan Way, Santa Rosa
Comcast P.O. Box 60533 City Of Industry, CA 91716-0533	Phone service Acct# 960197914	24 Ursuline Rd., Santa Rosa Phones for several offices (campus of Cardinal Newman High School, several chancery ministries have offices there)
Comcast Business P.O. Box 37601 Philadelphia, PA 19101-0601	Internet service Acct# 815530021- 0174793	24 Ursuline Rd., Santa Rosa Internet for several offices (campus of Cardinal Newman High School, and several chancery ministries have offices there)
Mitel P.O. Box 53230 Phoenix, AZ 85072-3230	Phone system Acct# 15222	985 Airway Ct, Santa Rosa
Penngrove Water 4982 Sonoma Hwy Santa Rosa, CA 95409-4247	Water Acct# CM-685	Newman Center 1798 E Cotati Ave, Penngrove, CA
PG&E P.O. BOX 997300 Sacramento, CA 95899-7300	Gas & Electric Acct# 4780611722-3 & 3939888946-7	1240 Manhattan Way (bishop's residence) and Newman Center 1798 E Cotati Ave, Penngrove
Recology P.O. BOX 51219 Los Angeles, CA 90051-5519	Compost and recycling, waste Acct# 1810791798	1240 Manhattan Way (bishop's residence) and Newman Center 1798 E Cotati Ave, Penngrove
Sonicnet Inc.	Internet Ref# ssunewman	Newman Center 1798 E Cotati Ave, Penngrove, CA
TPX Communications P.O. BOX 509013 San Diego, CA 92150-9013	Internet (incl. hardware) and data storage Acct# 166854	985 Airway Ct, Santa Rosa

Court Service List

No service required.